

PUBLIC MEETING

BOARD OF APPORTIONMENT

POCAHONTAS, ARKANSAS

PROCEEDINGS

(Taken June 15th, 2011, at 12:24 p.m.)

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APPEARANCES

PRESENTER:

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1 PROCEEDINGS

2 MR. IGNICO: Our speaker today is Joe
3 Woodson, Jr. He is the state redistricting
4 coordinator, and that is the topic of the
5 program today. He's an attorney that's been
6 in practice for about 15 years, originally
7 from Little Rock, but he has not always
8 practiced in Little Rock. He spent about
9 four years in Houston and then came back to
10 Little Rock. He graduated from the law
11 school in Fayetteville in '93. He has a
12 wife, Laura, and three children. I would
13 like you-all to help welcome him.

14 MR. WOODSON: Thank you, Eric, and I
15 thank all of you for inviting me. It's a
16 pleasure to be here. I was in Fayetteville
17 last night. We held the fourth of our public
18 meetings. The Board of Apportionment is
19 holding public meetings around the state.
20 Three weeks ago we held one at Jonesboro and
21 we've got three or four more. And the
22 purpose of those public meetings is to gather
23 public comment and input from the citizens
24 about the maps that we are going to be
25 drawing and are drawing, and then some

1 follow-up proposed maps will come out here in
2 a few weeks.

3 I wanted to visit with you about the
4 process. If you weren't able to come to
5 Jonesboro and -- can y'all catch some of that
6 screen? By the way, should you miss
7 something today or you just really like what
8 I have to say, you can come back tomorrow,
9 because Christy Harris has invited me to
10 speak to the Republican Party group here,
11 same time, same place tomorrow, so I look
12 forward to doing that too. Let me do two or
13 three things, and then I'll open the floor to
14 questions.

15 The first thing I want talk about is the
16 legal process and some of the legal criteria,
17 and let me start with this extreme example.
18 Let's say, instead of 35 state senators in
19 Arkansas, we have two -- and the most recent
20 census said that in Arkansas there are
21 2,915,000 people, but instead of 35 state
22 senate seats, we've got two and the people in
23 this room get to elect one of those state
24 senators and the other 2.9 million people get
25 to elect the second state senator. Well,

1 immediately, it's apparent that the people in
2 this room would have a disproportionate
3 influence on the process.

4 So beginning the 1960s, the U.S. Supreme
5 Court laid down the principle of one person,
6 one vote. And essentially that means what
7 most of you already know, is that we need to
8 have legislative and congressional districts
9 -- all districts, really, that are same size
10 and population; one person, one vote. Okay.
11 So that's the cornerstone of all
12 redistricting.

13 And after the census comes out and we
14 look at the districts, it becomes apparent
15 that all the districts are out of whack, if
16 you will. The population discrepancies are
17 too great, and so they need to be equalized,
18 if you will. So that's what the Board of
19 Apportionment does once every ten years. And
20 of course, the Board is the governor, the
21 attorney general, and the secretary of state,
22 and that's who I work for.

23 Let me talk about these criteria. I
24 guess I should hook up my projector. I can
25 see it, but you can't. By the way, before I

1 go through that list, if you look at all of
2 this green area, this is the state senate
3 districts. All of the green, all of the
4 southern half of the state, a lot of the
5 eastern part of the state -- I think these
6 are sort of greenish-yellow -- all of those
7 green-colored districts are underpopulated.
8 They have lost population relative to other
9 areas of the state like Central Arkansas and
10 Northwest Arkansas. That means they have to
11 grow geographically to gather in more people
12 so that they can get to the target size.

13 If you take the 2.9 million and you
14 divide it by 100, which is 100 house seats in
15 Arkansas, you come up with an ideal district
16 size of 29,195. If you divide that same
17 number, 2.9 million, by 35 senate seats,
18 that's 83,311; that's the ideal size of the
19 house and senate seats. Well, what this map
20 is saying is for the senate seats, all of
21 this in the green is underpopulated, and it
22 has to grow and get bigger to gather in more
23 people so that it can get to that ideal
24 target number.

25 Now, obviously, if these districts start

1 growing, other districts are going to have to
2 start shrinking; it's a ripple effect. Same
3 thing with the house. This is the house
4 seats, the same general trend. Let me show
5 you one other thing.

6 I was in Fayetteville last night, and in
7 Fayetteville in Benton and Washington
8 Counties, the actual population in the four
9 existing senate districts in Benton and
10 Washington Counties is 417,000 for those four
11 seats. If you divide that number by 83, you
12 get five senate seats; so Benton and
13 Washington Counties are going to gain a
14 senate seat. In other words, there's enough
15 population there to support an additional
16 seat.

17 I just did this right before we got
18 started. In Northeast Arkansas -- that's not
19 it. That's not it either. Anyway, I took
20 the five northeastern senate seats and took
21 the actual population divided by 83,000, and
22 came up with 4.88. So in other words,
23 Northeast Arkansas, at least for this extreme
24 corner, has stayed about the same and will be
25 able to continue to support probably five

1 senate seats in those five districts in the
2 most extreme corner. But anyway, I say that
3 to give you an idea of what's got to happen.
4 And since all the district boundaries have to
5 start moving and the Board of Apportionment
6 and the staff of the Board is charged with
7 doing that, we've got a big job to do. So
8 how do we do that job?

9 The courts, beginning in the '60s, have
10 laid down several principles that we have to
11 follow to be in compliance with the law. The
12 first is what we just talked about, one
13 person, one vote, equal population within
14 constitutional variances.

15 You'll remember Representative Smith was
16 involved, the general assembly just got
17 through redrawing the congressional districts
18 -- the four congressional districts. Those
19 congressional districts have to be almost
20 identical in population size. They get just
21 the smallest bit of variance, but they have
22 to be almost the same. And that's because
23 they're governed by the Apportionment Clause.
24 There's a federal court case that says .74
25 percent deviation is allowable; so less than

1 1 percent. So they have to be extremely
2 precise.

3 When we draw legislative districts, we
4 get a little bit of cushion in that our
5 overall range can be 10 percent or less, and
6 that's because our standard comes from the
7 Equal Protection Clause in the 14th
8 Amendment. What I mean by that is: Let's
9 say, instead of 83,000, our ideal district
10 size is 100 people. The largest district in
11 Arkansas could be as large as 105 people, the
12 smallest district could be as little as 95
13 people; so there's a ten-person difference or
14 a 10 percent range. So you get plus or minus
15 your target number, is essentially what I'm
16 saying. And that comes from this right here
17 (indicating). One person, one vote, that's
18 the cornerstone, of course, of all
19 redistricting.

20 After that, comes several other legal
21 requirements and criteria that we have to be
22 aware of. The first would be the Voting
23 Rights Act of 1965. That was civil rights
24 legislation that congress passed that made it
25 illegal to discriminate against a racial or

1 language minority through any practice,
2 procedure, rule, law, map. Whatever it is,
3 if it has a discriminatory effect, then it's
4 illegal, regardless of whether it was
5 intended or not.

6 Arkansas, of course, has had some of that
7 litigation. We might touch on it later. But
8 Jeffers v. Clinton in 1989, the Federal Court
9 said that Arkansas had, in fact, violated the
10 Voting Rights Act and ordered the state of
11 Arkansas to redraw several districts so that
12 they would be majority/minority districts and
13 so that the minorities in those districts
14 would have a chance to elect the
15 representative of their choice. The point of
16 all this is, as we're drawing these maps,
17 we've got to keep our eye on all these bullet
18 points.

19 The next is Equal Protection Clause of
20 the 14th Amendment. In the redistricting
21 context, what that means is: Beginning in
22 the early '90s, the U.S. Supreme Court said
23 we want you to be color blind as best you
24 can. And there's been a series of cases from
25 the U.S. Supreme Court, and their idea is

1 that all boards and all authorities would be
2 color blind as best they could when they were
3 redrawing districts. And they said that
4 because they don't want to sort of devolve
5 into what they call "essentialism," in other
6 words, all blacks are Democrats or all whites
7 are Republicans, that sort of thing. And so
8 the law is you need to try to avoid that.

9 And they said don't use race as your
10 primary or exclusive factor when you're
11 drawing these districts. However, you can be
12 race conscious when you're drawing districts,
13 and you can rely primarily on race if -- and
14 there's a couple of exceptions, you're trying
15 to avoid a violation of the Voting Rights Act
16 of 1965 or you're trying to remedy past
17 discrimination. So at first glance, those
18 sort of seem to be at odds with each other.
19 But it is possible to comply with both at the
20 same time, but we've got to be careful, is
21 all I'm saying.

22 And by the way, I'd rather have a
23 conversation than me preaching to y'all. If
24 y'all have any questions or comments, feel
25 free to stop me or interrupt. Yes, sir?

1 UNIDENTIFIED SPEAKER: On the issue of
2 race, if you could come up with the 35
3 different districts that met the population
4 standard, 29,100 and X, and also the racial
5 balance that is within the state, 60/40,
6 whatever it is with African Americans, so
7 that there was never a majority of a minority
8 population in any one district, how would
9 that be viewed?

10 MR. WOODSON: Well, I don't think you can
11 do that. And the part I picked up on was --
12 I think you used the word "proportion," but
13 the courts have disfavored and even
14 disallowed proportional representation. In
15 other words, if we say the African/American
16 population in Arkansas is 15 percent,
17 therefore, we should have 15 of the 100 house
18 districts be minority districts, they don't
19 do that, and there's no law that says you've
20 got to do that, and there's no law that
21 really says you can do that.

22 Another way to look at it -- the way the
23 courts have looked at it is they've said the
24 Voting Rights Act says -- in the cases that
25 have been litigated over that, say that when

1 you have a minority population that is
2 geographically large enough and politically
3 cohesive enough to sort of vote as a block,
4 then you can draw the minority districts to
5 allow those minority populations to have a
6 fair chance to elect the representative of
7 their choice, which, by the way, is sort of
8 the Holy Grail, of this whole exercise.

9 The whole idea of one person, one vote is
10 to give everyone the same fair equal shot at
11 electing the person they would want to elect.
12 And so that's the goal we're striving for.
13 But that's a great question. Yes, sir?

14 KIRBY RIFFEL: It occurs to me that when
15 you do a census and coming up with two
16 million nine hundred and some-odd thousand
17 people, you're talking about residents. When
18 you're voting, you're talking about citizens.
19 Do you proportion citizens or do you -- what
20 happens to the illegal voters, the non-
21 voters?

22 MR. WOODSON: The short answer is we get
23 -- some people would say we are stuck with
24 whatever the Census Bureau gives us, which is
25 absolutely true. Whatever the census says

1 we've got in Arkansas, that's the number we
2 use. Now, there's been a lot of controversy
3 and even some litigation over who the census
4 does and doesn't count. Illegal aliens, for
5 example, continue to be counted, is my
6 understanding; and so there's a lot of
7 controversy over that. For our purposes --
8 or my purposes, we've got 2.915 and that's
9 the number we use, and we divide that by 100
10 for the house.

11 UNIDENTIFIED SPEAKER: If half of them
12 aren't legal voters, those legal voters have
13 better representation than other legal
14 voters.

15 MR. WOODSON: Yeah. Another example is
16 prisons. Prisoners get counted in the county
17 in which they are incarcerated, not the
18 county they came from. And, in fact, I think
19 there was a bill in the most recent session
20 to count prisoners from their county of
21 residence that they lived in before they got
22 sent to prison, but it failed. But it's the
23 same principle. Those prisoners don't get to
24 vote; so . . . but they get that population
25 count. So yeah, there's some areas of

1 improvement that -- or controversy, whichever
2 way you want to look at it.

3 N. RAY CAMPBELL: What about college
4 students?

5 MR. WOODSON: College students, if they
6 hold themselves out as a resident in the
7 college town that they're living in, then
8 they're going to get counted. But as a
9 practical matter for most college students,
10 they should get counted at their home, which
11 is where they -- I think it all comes back to
12 where do you intend to return after you get
13 done with school. But it's possible for them
14 to say, No, I'm here for good.

15 UNIDENTIFIED SPEAKER: Where does the
16 squabble come in, you know, with
17 redistricting giving one party an advantage
18 over the other? Is that basically where the
19 main squabble comes in?

20 MR. WOODSON: Well, it certainly can be,
21 and there's been a lot of litigation over
22 that sort of thing. Let me scroll down.
23 That's one of the last factors here. I had
24 been pleasantly surprised in the last few
25 weeks over that issue. Most of the squabbles

1 I have seen have not been Democrats versus
2 Republicans, it's been friendly fire. It's
3 been Republican versus Republican and
4 Democrat versus Democrat because those groups
5 know where the voters are that would support
6 them; so they're interested in those areas.
7 And conversely, you know, a Republican knows
8 where the Democrats live, and they don't want
9 them in their district and vice versa. So
10 it's not -- it hasn't been very straight in
11 that regard here in Arkansas, and I hope that
12 it doesn't get that way.

13 One of the principles is to minimize
14 partisanship. The most recent U.S. Supreme
15 Court case said that it's possible to bring a
16 lawsuit over a political gerrymander, that
17 one party, you know, took unfair advantage of
18 the other. What they didn't say was -- they
19 didn't set out a standard. They didn't say
20 what is or is not legal in that regard. So
21 there's a great deal of uncertainty with
22 respect to that. So I'm constantly reminding
23 everyone I talk to that we need to use
24 caution and don't overreach in that regard
25 because it would only spell trouble.

1 All of these we haven't talked about, you
2 can just look at those. Districts need to be
3 geographically compact; that is, an ideal
4 district size would be a circle or a square.
5 In practice, all districts have some
6 irregular shapes; however, the more bizarre
7 the shape of the district, the less courts
8 tend to like it. Districts need to be
9 contiguous; that is, they need to be
10 geographically connected. You can't have an
11 island of one district completely separated,
12 but as part of this district over here.

13 And then there's several others that
14 overlap. And there's some ambiguity in all
15 these. The shorthand version of all this is
16 communities of interest.

17 What we really end up talking a lot about
18 when we talk to the members of the general
19 assembly or we talk to local officials or we
20 talk to voters is; what is your community of
21 interest; what does Pocahontas have in common
22 with Paragould or Jonesboro, if anything;
23 what does the local economy look like; what
24 do the schools look like; what do the
25 politics look like; what's the social

1 structure like? That's really the heart of
2 trying to draw districts so that the people
3 with common interests can be put in a
4 district so that they can elect a
5 representative that will represent those
6 common interests.

7 That's the hard part about all this.
8 It's because the lines have to move to get
9 the right population numbers. We're trying
10 to draw them in such a way as to comply with
11 all of these factors, but yet at the same
12 time, make sense. You know, does Paragould
13 or Pocahontas or Jonesboro, do y'all have
14 anything in common with Searcy or West
15 Memphis or, you know, Forrest City or, you
16 know -- and some of these senate districts
17 have to get really, really large to get the
18 right numbers of people in them. So that's
19 really the information that we're after thus
20 all of the public meetings.

21 And I brought a court reporter today, and
22 the reason I did that is because every
23 opportunity -- like I say, I was in
24 Fayetteville last night. Every opportunity I
25 get to talk to a group of people, someone

1 invariably has something very interesting to
2 say or some point to make about what should
3 or shouldn't exist with respect to the house
4 and senate districts. So that's sort of
5 where we're at. And that brings us to the
6 maps.

7 All the maps that I have seen so far are
8 currently posted on our website, and you can
9 go look at them. There are a couple for
10 Northeast Arkansas, and I know I worked with
11 Representative Smith on trying to get out a
12 couple more. Here is one. Let me see if I
13 can find it. This one was from about a month
14 ago. I think this was one of the maps we
15 used in Jonesboro.

16 And by the way, these maps, they're not
17 endorsed maps. In other words, these aren't
18 maps that the board says, Oh, these are going
19 to be final maps and this is what we're
20 thinking about adopting, but they're maps to
21 look at to say what would work and what
22 wouldn't work. This is a good example of
23 probably what wouldn't work.

24 You have a senate district coming across
25 three or four counties, Clay, Randolph,

1 Green, and I think it even goes further to
2 the west, hits part of Sharp. So really what
3 we're trying to do is gather information.
4 And I know today, we're on a short time
5 frame. We don't have a lengthy period for
6 discussion. But that's essentially what
7 we're doing with the board. As staff, that's
8 what I'm doing, that's what the other staff
9 are doing, and we're trying to develop our
10 record so that the board can make an informed
11 decision.

12 LINDA COLLINS-SMITH: One of the things
13 that you did when you were in Jonesboro, we
14 talked about some things there on floor that
15 day about how the counties needed to be
16 geographically similar.

17 MR. WOODSON: Yeah.

18 LINDA COLLINS-SMITH: There was one map,
19 I think, that split Randolph County twice,
20 and of course we said we want to put counties
21 together, we don't want to keep splitting.
22 And that was an important issue that we've
23 discussed, well, twice now when I was in
24 Little Rock. But I think part of that,
25 putting those counties together when they're

1 alike that you talked about, is letting you
2 know that because you're in Little Rock,
3 you've told us, you know, I don't know.

4 MR. WOODSON: Yeah. And it's one thing
5 for me to sit in an office or anybody else to
6 sit in an office in Little Rock and draw a
7 map, but we don't know what the communities
8 are like and the culture and the economies.
9 We have a guess, but oftentimes we're wrong.

10 For example, Senator Bledsoe in Benton
11 County in Northwest Arkansas -- we drew one
12 map that her district had grown so much and
13 the boundaries of her district had shrunk in
14 towards Bentonville because of their large
15 population growth, and we just sort of
16 automatically assumed that she would want to
17 go in towards that urban area. And she told
18 us, No, no, you know, my base and all my
19 constituents -- the people I really have a
20 great relationship with are in the more rural
21 parts, the eastern part of Benton County.
22 And so there's all sorts of on-the-ground
23 information that we may not be aware of, and
24 that's what we're interested in. Yes, sir?

25 UNIDENTIFIED SPEAKER: You said the three

1 entities are the governor, attorney general,
2 and the secretary of state. Do they make the
3 final decision?

4 MR. WOODSON: Correct.

5 UNIDENTIFIED SPEAKER: And that's "the"
6 final decision, there is no recourse or
7 appeal or anything?

8 MR. WOODSON: I mean, it's possible to
9 file a lawsuit if someone thought that it
10 violated the law.

11 UNIDENTIFIED SPEAKER: If that happens,
12 then the court decides?

13 MR. WOODSON: That's correct. I don't
14 want that to happen. But that's Article 8 of
15 the Arkansas Constitution. It was amended in
16 1936, I think, by Amendment 20, and it gave
17 those three people the authority to do that.

18 UNIDENTIFIED SPEAKER: Well, let's say
19 there was an appeal. What court would that
20 be in?

21 MR. WOODSON: It depended on the claim
22 you brought. If you brought a claim saying
23 that they were just sort of arbitrating the
24 precincts, I think it would be filed with the
25 State Supreme Court. I think Section 5 of

1 Article 8 talks about a 30-day period to do
2 that. If someone brought a claim saying the
3 Voting Rights Act of 1965 had been violated,
4 a federal claim, that would probably be
5 brought in Federal Court, depending on which
6 court had jurisdiction. Right, Judge?

7 PHIL SMITH: Federal would be absolutely
8 right. Are you saying that the Constitution
9 says it would be an original filing with the
10 Arkansas Supreme Court?

11 MR. WOODSON: I think Section 5 says that
12 they have original jurisdiction over a claim.

13 UNIDENTIFIED SPEAKER: Oh, okay.

14 MR. WOODSON: And I think he uses the
15 arbitrary capricious language. Yes, sir?

16 UNIDENTIFIED SPEAKER: Based on what you
17 said about the senator from Benton County,
18 that doesn't seem fair to me to let her
19 influence where you're going to put the line.
20 I mean, if you're looking at population -- I
21 mean, who's to say that she's going to be
22 there next term?

23 MR. WOODSON: That's a good point. And
24 the reality of the situation is, and
25 Representative Smith, I think, confirmed

1 this, certainly, the members of the general
2 assembly, they are very interested and very
3 involved because these are their districts.
4 And I think to a large degree, they know the
5 folks in the governor's office, they know the
6 folks in the secretary of state's office, et
7 cetera, et cetera. And they, like any other
8 citizen, are free to lobby, if you will, what
9 they think the district should look like.

10 However, that's a big part of why we're
11 having these meetings, is we understand that
12 not everybody has the luxury, like I do, of
13 getting paid to look at maps. Most people
14 are worried about putting groceries on the
15 table. They can't be looking at maps all
16 day. So we're trying to make some effort to
17 make the process available to just your
18 average every day voter, either in a public
19 meeting, either on the website, you know, you
20 can submit e-mails, you can write me a
21 letter. I've posted all the public comment
22 that I get on the website for the whole world
23 to look at. You know, the playing field is
24 not really balanced out, but we're trying to
25 make some effort to give the folks an

1 opportunity.

2 UNIDENTIFIED SPEAKER: What's that
3 address, web address?

4 MR. WOODSON: The address is
5 arkansasredistricting.org, right up here at
6 the top, and this is me down here at the
7 bottom, my e-mail, phone number, physical
8 address.

9 LINDA COLLINS-SMITH: Is there a link to
10 that on the governor's site or on Arkansas
11 Legislative site?

12 UNIDENTIFIED SPEAKER: Secretary of
13 state, ma'am.

14 MR. WOODSON: I don't know if it links
15 from their site to me.

16 LINDA COLLINS-SMITH: I don't either. I
17 know your site.

18 MR. WOODSON: That's a good point.
19 That's one thing that we can do, is take a
20 short-term approach and say we just want to
21 satisfy this one incumbent because they may
22 not get elected next time, and we've got to
23 look at what makes sense long-term, I think.
24 Yes?

25 UNIDENTIFIED SPEAKER: If you did it

1 basically with a computer, just matched the
2 counties with -- could you get it within 10
3 percent without all this dividing up?

4 MR. WOODSON: You could get the numbers
5 there, but I don't think anything else would
6 make sense when you look at communities of
7 interest and the core of existing districts
8 and not crossing -- or trying to minimize
9 crossing political subdivisions and things
10 like that. I think you would get a very
11 bizarre looking map that not many people
12 would be happy with; so I don't know of any
13 desire to do it that way. As far as I know,
14 the only way to really do a good job is just
15 by hands-on exercises.

16 UNIDENTIFIED SPEAKER: Give us an example
17 of what you mean by difference in Paragould
18 and Pocahontas, what we'd want -- or
19 Paragould, Walnut Ridge or Jonesboro.

20 MR. WOODSON: Well --

21 UNIDENTIFIED SPEAKER: I mean, we're all
22 wanting industry. There's no question about
23 that, but . . .

24 MR. WOODSON: One way to phrase the
25 question, in my mind, is: If you were in a

1 senate district with those communities and
2 you had candidates running for a variety of
3 those different communities and, let's say,
4 Pocahontas is in with Jonesboro and somebody
5 gets elected from Jonesboro and, you know,
6 they've got a lot of constituents there and
7 that's sort of their base, and y'all are here
8 in Pocahontas, do you feel like that person
9 -- that representative, would still be
10 responsive to your concerns here in
11 Pocahontas? And so that's the way I think of
12 it in my mind. Those are the kinds of
13 concerns that I hear most often.

14 For example, last night -- I keep using
15 Northwest Arkansas as an example, but that's
16 where we were most recently -- the folks in
17 Madison County, in one version of a map, they
18 have been drawn in with Harrison and Mountain
19 Home to the east, but all of their commerce
20 is done in Fayetteville, Springdale, Rogers,
21 Bentonville. All the school districts,
22 they're in like these Northwest Arkansas, you
23 know, solid waste organiza -- everything they
24 do has a Northwest Arkansas flavor to it. So
25 their concern was to draw them in with

1 Harrison and Mountain Home, which they don't
2 ever even think about looking that direction.
3 But their concern was are those people going
4 to be responsive to our needs and our
5 concerns if they get elected from this
6 district. So does that answer your question?

7 UNIDENTIFIED SPEAKER: Yeah.

8 MR. WOODSON: That's the core of this
9 whole --

10 UNIDENTIFIED SPEAKER: Most of our
11 interest goes towards Jonesboro or Little
12 Rock, somewhat, but not so much toward Little
13 Rock now.

14 MR. WOODSON: Probably less and less,
15 yeah. Yes, sir?

16 UNIDENTIFIED SPEAKER: How does it really
17 work? The one you showed happened to be the
18 senatorial one, and I know Missy Irvin is our
19 senator right now. But if I looked at the
20 map right the other day, where she lives, she
21 wouldn't -- unless you kept the existing
22 district, she would not be our senator.

23 MR. WOODSON: Yeah.

24 UNIDENTIFIED SPEAKER: And we elected her
25 for four years. What happens when we're in

1 2012?

2 UNIDENTIFIED SPEAKER: We elected her for
3 two years, actually. She just drew a two-
4 year term.

5 UNIDENTIFIED SPEAKER: Did she draw a
6 two-year or --

7 UNIDENTIFIED SPEAKER: Uh-huh. 2012,
8 they all are up for re-election because of
9 the redistricting.

10 UNIDENTIFIED SPEAKER: That's what I'm
11 saying.

12 (Multiple Speakers.)

13 UNIDENTIFIED SPEAKER: That doesn't seem
14 real fair either.

15 MR. WOODSON: If you had a
16 representative, house or senate, that was a
17 crossover, if you will, sort of spanned the
18 redistricting, they would continue to hold
19 office to the end of their regular term and,
20 you know, ostensibly represent the
21 constituents of the new district as best they
22 could. They wouldn't lose office or anything
23 like that, but . . .

24 UNIDENTIFIED SPEAKER: The ones I saw, we
25 lose our senator no matter what.

1 MR. WOODSON: Yeah --

2 UNIDENTIFIED SPEAKER: Unless you left it
3 alone.

4 UNIDENTIFIED SPEAKER: There are a couple
5 that don't.

6 (Multiple Speakers.)

7 MR. WOODSON: Just to clarify one more
8 time, all of the maps that are up right now
9 --

10 UNIDENTIFIED SPEAKER: I understand.

11 MR. WOODSON: -- are conversation
12 starters. They're not -- they have not been
13 endorsed. Now, as far as time, that reminds
14 me, I think the governor and the -- maybe the
15 attorney general, yesterday -- I think this
16 is probably his. He had written a letter to
17 the governor, suggesting that they put up
18 final proposed maps on July 19th and give
19 folks some more time to comment on those
20 before they have any sort of final action on
21 adopting a final plan. So those are coming
22 here in a few weeks for folks to look at, and
23 there will be an opportunity after that to
24 make comment on that.

25 UNIDENTIFIED SPEAKER: When is the final

1 deadline for --

2 MR. WOODSON: Well, it's a self-imposed
3 deadline of the 1st of August. The reason
4 for that is there's a lot of downstream folks
5 like county clerks, County Board of Election
6 Commissioners, the clerks have to get the
7 voters in the right precincts, the candidates
8 have to figure out what district they're in
9 and get ready to run next year; and so August
10 1st is the self-imposed deadline by the board
11 to adopt a map. It becomes final 30 days
12 after that after they file it with the
13 secretary of state; so the end of August
14 you're looking at, you know, an official map
15 -- new map.

16 KIRBY RIFFEL: This is kind of an awkward
17 question, and you probably shouldn't answer
18 it, but historically, of course,
19 redistricting, whichever party had power
20 would exercise that power on behalf of the
21 political party (inaudible) litigation, but
22 aside from that, let's assume they're not
23 going to do that. Are there any existing
24 conflicts of interest for either the
25 secretary of state or the attorney general or

1 the governor who will have any obvious
2 prejudices one way or another?

3 MR. WOODSON: Well, I would start by
4 saying obviously this is more about an
5 inherently political process than about
6 political venue. All of those bullet points,
7 every one of those up there, are court-made
8 rules through the decades that serve as
9 limitations on one party's ability to take
10 unfair advantage of the other. So at the end
11 of the day, and I guess I say this to give
12 everyone some comfort level, if you look at
13 where the population is -- and the population
14 is what it is, and it's going to dictate to a
15 large degree where districts go -- and then
16 you throw in all of these legal limitations
17 that prevent one party taking unfair
18 advantage of the other, then the wiggle room
19 that's left over for somebody to really, you
20 know, work some mischief is not great.

21 It is impossible for anybody to remake
22 the state of Arkansas and completely shift
23 the balance of power one way or the other.
24 You know, the population trends are what they
25 are; the political trends are what they are.

1 Now, you know, I would be disingenuous if I
2 say, Oh, well, you know, the two Democrats --
3 if all things being equal, you know, wouldn't
4 they rather favor a Democrat over a
5 Republican? Well, they probably would, but
6 --

7 KIRBY RIFFEL: Let me give you an
8 example. Let's say that our representative
9 wouldn't go along with the governor on some
10 of the bills. Could he punish our
11 representative or would he be able to under
12 this situation by, you know, manipulating by
13 a few thousand votes what . . .

14 MR. WOODSON: I guess all things --

15 KIRBY RIFFEL: -- or officially use that
16 as a hammer against representatives or
17 senators?

18 MR. WOODSON: You know, only to the
19 extent that it could, politically. I mean,
20 that's the political game, as I understand
21 it. So, I mean, anything you could do in a
22 real concrete way, I think would be very
23 subtle; it would just be a slight shift here
24 or a slight shift there, and I don't think
25 it's possible. And I may be whistling past

1 the graveyard on that, but I don't think it's
2 possible to really --

3 KIRBY RIFFEL: It wasn't a fair question
4 anyway.

5 MR. WOODSON: Well, I get it a lot,
6 though, and I've thought about it a lot. I
7 guess the reason I say that is I want to sort
8 of dispel that impression that some people
9 might have that, Oh, well, you know, it's two
10 to one; therefore, you know, the two
11 Democrats are going to be able to draw 100
12 Democratic house seats. It can't be done.
13 It just -- it's just not there.

14 BOB IGNICO: We've got time for one more
15 question.

16 GARY PUGH: Correct me if I'm wrong, but
17 if these meetings are like most public
18 meetings, the participation and the people
19 who show up are very low; is that right?

20 MR. WOODSON: Well, I guess there's two
21 ways to look at it. We had 150 people last
22 night.

23 GARY PUGH: In Northwest Arkansas?

24 MR. WOODSON: Yeah. There's no doubt that
25 most of the people that come are, you know,

1 political animals of one sort or another, you
2 know, they're elected officials or, you know,
3 they have some partisan allegiance one way or
4 the other. We don't get as many average
5 voters as I would like to see. And I think
6 that's because most people don't have the
7 luxury of having the time or the energy or
8 the money to really, you know, get deeply
9 involved in the process.

10 UNIDENTIFIED SPEAKER: So is that truly
11 one person, one vote?

12 MR. WOODSON: Well, it's the closest we
13 can get to it, I guess. I don't know of any
14 other way. I guess we're done. Thank you-
15 all so much for having me.

16 (WHEREUPON, the proceedings were
17 concluded in the matter at 1:01 p.m.)

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CERTIFICATE

STATE OF ARKANSAS)
)ss
COUNTY OF PULASKI)

I, Terri J. Wolfe, Certified Court Reporter #698,
do hereby certify that the facts stated by me in the
caption on the foregoing proceedings are true; and
that the foregoing proceedings were reported verbatim
through the use of the voice-writing method and
thereafter transcribed by me or under my direct
supervision to the best of my ability, taken at the
time and place set out on the caption hereto.

I FURTHER CERTIFY, that I am not a relative or
employee of any attorney or employed by the parties
hereto, nor financially interested or otherwise, in
the outcome of this action, and that I have no
contract with the parties, attorneys, or persons with
an interest in the action that affects or has a
substantial tendency to affect impartiality, that
requires me to relinquish control of an original
deposition transcript or copies of the transcript
before it is certified and delivered to the custodial
attorney, or that requires me to provide any service
not made available to all parties to the action.

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I FURTHER CERTIFY, that in accordance with Rule 30(3) of the Rules of Civil Procedure, review of the transcript was not requested.

WITNESS MY HAND AND SEAL this 24th day of June, 2011.

TERRI J. WOLFE

Arkansas State Supreme Court
Certified Court Reporter #698

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